IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 176 of 1989

For Approval and Signature:

Hon'ble MR.JUSTICE D.A.MEHTA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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EXECUTIVE ENGINEER

Versus

HIMATSINH HARISINH

Appearance:

MR DD VYAS for Petitioner No. 1

MRS DT SHAH for Respondent No. 1

CORAM : MR.JUSTICE D.A.MEHTA

Date of decision: 29/06/2001

ORAL JUDGEMENT

The petitioner, Executive Engineer, Panchayat Roads and Buildings Division, District Panchayat, Surendrnagar, has challenged the order dated 4/11/1988 passed by the Labour Court, Rajkot in Recovery Application No.1978 of 1986. Under the impugned order, the Labour Court directed the petitioner to pay the difference, amounting to Rs.545.10 to the respondent.

The dispute lies in very narrow compass. The petitioner's case is that in light of the Government's Resolution, the basic pay of the Respondent has to be taken at Rs.150/- per month and the bonus for the two years, under consideration, has to be computed accordingly. The claim of the respondent is to the effect that the figure of the basic pay is to be taken to Rs.175/per month.

2. It is not necessary for the Court to deal with the contention in view of the fact that the petitioner had itself vide pursish dated 18th October, 1988 filed before the Labour Court agreed that the respondent, who was a Store Keeper, was entitled to salary of Rs.175/per month and further that the difference in bonus that would be payable to the respondent-workman shall be paid within a period of 15 days. Furthermore, when the petition was admitted, the petitioner was directed to deposit the amount awarded by the Labour Court and the respondent was granted liberty to withdraw the same.

3. In view of this fact and circumstances of the case and taking into consideration the period for which the disputed amount is under consideration and further the passage of time from the date of impugned order as well as the smallness of the amount involved, it is not necessary for this Court to interfere.

Rule discharged. Interim relief stands vacated. The petition is disposed of accordingly with no order as to costs.

(D.A. Mehta, J)

'Bhavesh'